# IN THE DRAWINGS

Please amend the drawings as follows:


In FIG. 4, please amend covering element "42" to read --412-- as indicated on page 13, paragraph [1049] of the specification.

Replacement sheet for FIG. 4 is enclosed herewith.

# REMARKS

Claims 1-9 are pending in the present application. By this amendment, claims 1, 5, 8 and 9 are amended, the specification is amended, and FIG. 4 is amended. The amendments do not introduce new matter and are fully supported by the specification. Support for the claim amendments may be found, for example, in paragraphs 1036 and 1037.

Claims 1, 3, 5, 6, 8 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0013103 to Zhang et al.

Claims 2, 4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of U.S. Publication No. 2002/0150065 to Ponnekanti.

Applicants respectfully traverse the above rejections for the following reasons.

Claim 1 has been amended to recite:

"1.    An apparatus for controlling the operation of a quality feedback channel in a wireless communication system, comprising:

a memory element; and

a processing element configured to execute a set of instructions stored on the memory element, the set of instructions for:

determining a channel quality value associated with a transmission channel;

determining a condition of the transmission channel;

if the transmission channel condition is favorable, then transmitting the channel quality value over one slot of the channel quality feedback channel; and

if the channel condition is not favorable, then transmitting the channel quality value over a plurality of slots of the channel quality feedback channel,

wherein the condition of the transmission channel determines a transmission rate of the channel quality value over the feedback channel." (Amendment underlined.)

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention must be disclosed in the prior art reference. However, the Office Action has not shown where Zhang discloses at least "determining a condition of the transmission channel..., wherein the condition of the transmission channel determines a transmission rate of the channel quality value over the feedback channel" as recited in amended claim 1. In contrast, Zhang discloses a

method of sharing communication channels among active users to save system resources. In his disclosure, Zhang explains that a user's <u>buffer</u> may be empty for a significant portion of the time that the user is active and Zhang believes that "it is not necessary to perform reverse link power control at the full rate..., and it is not necessary for an active user to send feedback information at the full rate." See, for example, Summary of the Invention paragraph 0011. Zhang further explains in paragraph 0016 that "[his] method can include the step of switching between the first and second states [i.e., communicating between the first and second <u>rates</u>] of the terminal <u>in</u> <u>dependence upon whether or not a data buffer</u> for traffic communication with the terminal is empty." (Emphasis added.) In other words, the switching of the transmission rates of Zhang is based on whether a <u>data buffer</u> of a user is empty or not, and <u>not</u> based on the condition of the transmission channel or the feedback channel.

As stated above, anticipation requires that <u>each and every element</u> of the claimed invention must be disclosed in the prior art reference; and since Zhang does not <u>disclose</u> at least "wherein the condition of the transmission channel determines a transmission rate of the channel quality value over the feedback channel," Zhang <u>cannot</u> anticipate the claimed invention under 35 U.S.C. §102(e).

Applicants further submit that Ponnekanti also fails to disclose or suggest the above feature of amended claim 1 and was only cited as a secondary reference. Independent claims 5, 8 and 9 have also been amended to include similar features to claim 1, and claims 2-4, 6 and 7 depend from at least one of claims 1, 5 and 8 so they all should be allowable for the reasons stated above.

For at least the above reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 5, 6, 8 and 9 under 35 U.S.C. §102(e) and the withdrawal of the rejection of claims 2, 4 and 7 under 35 U.S.C. §103(a).

<u>Drawings</u>

Applicants submit that the above amendment to the drawing do not make any substantive changes or introduce any new material but are simply the correction of typographical errors, which are consistent with the specification as originally submitted. Therefore, approval and entry of the above amendment is respectfully requested.

Specification

      Applicants provide herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

      The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

# REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all of the pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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